

U.S. DISTRICT COURT  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

2018 MAY - 1 P 3:06

UNITED STATES OF AMERICA, STEPHEN C. DRIES  
CLERK

**18-CR-094**

Plaintiff,

Case No. 18-CR-

v.

[18 U.S.C. §§ 2251(a) and (e),  
2252A(a)(2)(A), and 2422(b)]

ADAM J. WESTPHAL,

Green Bay Division

Defendant.

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**INDICTMENT**

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**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

On or about April 4, 2018, in the State and Eastern Districts of Wisconsin,

**ADAM J. WESTPHAL**

attempted to knowingly employ or use, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit: a visual depiction of a minor engaged in sexually explicit conduct, which visual depiction would have been produced using materials that had been mailed, shipped, and transported in interstate or foreign commerce by any means, including by computer, and which visual depiction was intended to be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2251(a) and (e).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. On or about March 15, 2018, in the State and Eastern District of Wisconsin,

**ADAM J. WESTPHAL**

knowingly distributed child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), using a means and facility of interstate and foreign commerce, that had been mailed, shipped and transported in and affecting interstate and foreign commerce, and which contained material which had been shipped, and transported by a means and facility of interstate and foreign commerce, including by computer.

2. The child pornography distributed by the defendant included a movie file containing the following:

<b>Description</b>
A prepubescent female lying on her back with her face between an adult female's legs. The prepubescent female can be seen licking the adult female's vagina. An erect penis is then seen being forced into the prepubescent female's vagina.

All in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

Between approximately March 15, 2018, and April 5, 2018, in the State and Eastern District of Wisconsin,

**ADAM J. WESTPHAL,**

using a facility and means of interstate commerce, did knowingly attempt to persuade, induce, entice, and coerce a person who had not yet attained the age of 18 years to engage in sexual activity for which the defendant could be charged with a criminal offense, namely, sexual contact and sexual intercourse in violation of Wisconsin Statute Section 948.02(2) (second-degree sexual assault of a child).

All in violation of Title 18, United States Code, Section 2422(b).

## **FORFEITURE NOTICE**

Upon conviction of the charges in the indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all visual depictions described in Title 18, Sections 2252 and 2256, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2252, and shall forfeit any property, real or personal, used or intended to be used to commit or promote the commission of such offenses, including, but not limited to, the following:

1. Any other equipment, instrumentalities, and items used or intended to be used in the transportation, shipment, production, receiving, distribution, or possession of child pornography.

**A TRUE BILL:**

  
\_\_\_\_\_  
FOREPERSON

Dated: 5/1/18

*Kelli D. Martin*  
for MATTHEW D. KRUEGER  
United States Attorney